

INDIANA DEPARTMENT OF CHILD SERVICES ADMINISTRATIVE POLICIES AND PROCEDURES		
Policy Number: GA-3	Effective Date: May 1, 2014	Version: 2.0
[REVISED] POLICY TITLE: LANGUAGE SERVICES		
<p>OVERVIEW: As an agency that receives funds from the United States Department of Health & Human Services, the Department of Child Services (DCS) is responsible for providing effective language assistance free of charge to individuals accessing DCS programs and services with Limited English Proficiency (LEP). DCS is committed to providing services and programs to all persons, including those with LEP. Unreasonable delays in the delivery of services due to a person's LEP are unacceptable.</p>		

I. DEFINITIONS

- A. **[REVISED]** Limited English Proficient (LEP) Persons: Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English resulting in an inability to effectively communicate.
- B. **[NEW]** Interpretation: Language services involving **oral** interpretation either in person or via telephone or other electronic means.
- C. **[NEW]** Translation: Language services involving **written** translation.
- D. **[NEW]** Vital Written Documents: Documents or portions of documents of high importance and potential consequence to the LEP person with respect to a DCS program, activity, or service.
- E. **[NEW]** Eligible Population: All individuals who may be served or are likely to be directly affected by a DCS program or activity.
- F. **[NEW]** Unwritten Language: A language that is not recorded in writing.

II. **[REVISED]** REFERENCES

- A. [United States Executive Order 13166 Limited English Proficiency](#)
- B. [Section 601 of Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d](#)
- C. [IC 34-45-1-3: Interpreters; entitlement](#)
- D. [IC 34-45-1-4: Interpreters; appointment and qualifications](#)
- E. ["Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" 67 F.R. 4968 \(August 8, 2003\)](#)

III. **[REVISED]** POLICY

- A. DCS is committed to taking reasonable steps, in accordance with the below mentioned guidelines, to provide meaningful access to DCS programs and services for individuals with LEP.
- B. DCS will balance the following factors to determine the scope of services it will offer for LEP persons:
 - 1. The number or proportion of LEP persons eligible to be served or likely to be encountered in DCS programs and services,
 - 2. The frequency with which LEP individuals come in contact with DCS programs and services,

3. The nature and importance of the particular program, activity, or service provided by DCS to the LEP individual's life, and
 4. The resources available to DCS and the cost of providing such meaningful access.
- C. When necessary, DCS will have a plan for obtaining language services for clients with LEP, in accordance with the above mentioned guidelines.
- D. If language services are offered and the individual with LEP declines such services and chooses to use a friend, family member, or other informal method, DCS will respect his or her desire except in situations where there may be a conflict of interest (e.g., allegations of abuse or human trafficking), where the nature of the service is complex, or where there are other issues of competency or confidentiality. Under such circumstances, an independent interpreter will be utilized. Otherwise, DCS will respect the LEP person's choice of interpreter (if determined to be appropriate). See Practice Guidance below.

Note: DCS is not responsible for providing language services for other agencies (e.g., law enforcement or providers). DCS' responsibility to provide language services does not extend to providing language services in court proceedings. See [IC 34-45-1-3: Interpreters; entitlement](#).

- E. An individual with LEP shall not generally be required to provide his or her own interpreter or translator when accessing DCS services. In emergency circumstances that are not reasonably foreseeable, DCS may rely on friends or family members of the LEP person as interpreters or translators.
- F. DCS will provide vital written documents to LEP individuals eligible to be served by DCS to the extent possible and in accordance with the following guidelines:
1. DCS will provide written translation for LEP language groups that constitute five (5) percent of DCS' eligible population or 1,000 individuals, whichever is less,
 2. If a language group which constitutes five (5) percent of the DCS' eligible population is composed of fewer than 50 people, DCS may provide written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials free of cost, and
 3. If the LEP individual's language is an unwritten language, DCS shall take steps to ensure that the document is translated orally or by another mode of communication normally used by the LEP person.

IV. **[REVISED] PROCEDURE**

- A. If DCS provides the applicable language services, the DCS employee will offer them free of charge to the client. If the LEP individual accepts these services, the employee will contact one of the contracted providers to fulfill the request.

Note: In a circumstance where the contracted providers are unable to fulfill the request, the employee can use a different interpreter/translator agency/individual (non-contracted). In order to ensure payment of the service, the DCS employee must send a justification within 24 hours to the International and Cultural Affairs Liaison. This justification should include the following: date of service, name of the

interpreter provider, assessment/case identification number, language, and the employee's name.

- B. If an LEP individual declines the use of language services offered by DCS and requests the use of his or her friend, family member, or informal support, and it is determined that the requested person is competent and appropriate, the employee will utilize the [Access to Language Services Acknowledgement \(SF 55546\)](#) to document that the individual declined the services. However, at its discretion, DCS may require that a trained interpreter or translator be present to ensure that the interpretation and translation is accurate.

V. [NEW] FORMS AND OTHER DOCUMENTS

- A. [Access to Language Services Acknowledgement \(SF 55546\)](#)
B. [Access to Language Services Acknowledgement \(Spanish Version- SF 55576\)](#)
C. [Access to Language Services Acknowledgement \(Burmese Version- SF 55575\)](#)

VI. [NEW] PRACTICE GUIDANCE

- A. Due to the complex nature of DCS involvement, family members or friends may not be competent to provide quality and accurate language services. Issues of confidentiality, privacy, or conflict of interest may also arise. Informal interpreters and translators may also have a personal connection to the LEP individual or an undisclosed conflict of interest.
- B. Extra caution should be used when the LEP individual chooses a minor to act as the interpreter or translator. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using minor children as interpreters. DCS employees should use critical thinking skills to consider the best interest of the minor child. It may not be in the best interest of the minor child to act as the interpreter or translator.

Examples:

- Appropriate use of a minor child as an interpreter or translator: During the first contact with the family, the minor serves as the interpreter to schedule an appointment with the family when a contracted interpretation provider can be present.
- Inappropriate use of a minor child as an interpreter or translator: An alleged perpetrator has requested the minor victim or a minor sibling of the victim to serve as the interpreter or translator.
- In some situations, questions that need to be asked of the family may cause trauma or emotional distress to the child (e.g., domestic violence situations, criminal history, and paternity). In these situations, it would be inappropriate to utilize a minor child as an interpreter or translator.

DATE: March 20, 2014
Mary Beth Bonaventura, Director
Department of Child Services

A signed copy is on file.